

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GEORGE E. LEVELS,

Plaintiff,

LIBERTY MUTUAL,

Plaintiff-Intervenor,

v.

**CANNONBALL EXPRESS, INC., d/b/a
CANNONBALL EXPRESS
TRANSPORTATION, et al.,**

Defendants.

No. 05-CV-914-DRH

ORDER

HERNDON, District Judge:

Now before the Court is Defendants' Motion to Dismiss for Failure to Comply with Court Order. (Doc. 26.) On July 31, 2006, Plaintiff requested additional time to obtain counsel. (Doc. 16.) The Court construed this request as a timely motion for an extension of time to obtain counsel (Doc. 16) and granted Plaintiff's motion (Doc. 20). In that Order, Plaintiff was given until October 20, 2006 to advise the Court whether he had obtained counsel or intended to proceed without counsel. The Court warned Plaintiff at that time that if he failed to inform the Court of his intentions, the Court would dismiss Plaintiff's action for failure to prosecute.

Plaintiff has neither advised the Court of his intentions nor taken any further actions to prosecute this case. In fact, Plaintiff has failed to even respond to the present motion to dismiss (Doc. 26). Therefore, pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(b)**, the Court **GRANTS** Defendants' motion (Doc. 26) and **DISMISSES** Plaintiff's claims with prejudice. However, Plaintiff-Intervenor Liberty Mutual's claims shall proceed.

IT IS SO ORDERED.

Signed this 30th day of April, 2007.

/s/ David RHerndon
United States District Judge